

**UNITED STATES DISTRICT COURT**  
**Northern District of California**

Pritikin, et al,

09-03303 JF

Plaintiff(s),

**NOTICE RE: NONCOMPLIANCE  
WITH COURT ORDER**

v.

Comerica Bank, et al,

Defendant(s).

The parties have failed to file an ADR Certification and either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference as required by the Initial Case Management Scheduling Order. Counsel shall Meet and Confer forthwith in an attempt to agree on an ADR process for this matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b), ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available at [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov).)

Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

1 450 Golden Gate Avenue, 16<sup>th</sup> Floor, San Francisco, California), or by PDF attachment  
2 to an e-mail directed to [adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov).

3  
4 It is the responsibility of counsel to schedule an ADR Phone Conference, if  
5 required, to occur before the Case Management Conference.

6  
7  
8 Dated: January 12, 2010

9 RICHARD W. WIEKING

10 Clerk

11 by: Timothy J. Smagacz



12 ADR Program Administrator

13 415-522-4205

14 Tim\_Smagacz@cand.uscourts.gov

## PROOF OF SERVICE

Case Name: Pritikin, et al v. Comerica Bank, et al

Case Number: 09-03303 JF

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program  
United States District Court  
Northern District of California  
450 Golden Gate Avenue Floor 16  
San Francisco, CA 94102

On January 12, 2010, I served a true and correct copy of:

### **Notice Re: Noncompliance With Court Order**

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Robert M Lubin  
Law Offices of Robert Lubin  
177 Bovet Rd  
Suite 600  
San Mateo, CA 94402

Joseph Camenzind IV  
Law Office of Robert Lubin  
177 Bovet Road  
Suite 600  
San Mateo, Ca 94402  
camenzindlaw@yahoo.com

Kenneth Pritikin  
Law Offices of Kenneth Pritikin  
2950 Buskirk Avenue  
Suite 300  
Walnut Creek, CA 9459

Robert M. Lubin  
Law Offices of Robert Lubin

177 Bovet Road # 600  
San Mateo, CA 94402  
r1817@aol.com

Francis McGrath  
,

Richard C. Darwin  
Buchalter Nemer  
333 Market Street  
25th Floor  
Attorneys at Law  
San Francisco, CA 94105-2126  
rdarwin@buchalter.com

Comerica Incorporated  
,

[ ] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:


[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 12, 2010 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz



---

ADR Program Administrator

415-522-4205

Tim\_Smagacz@cand.uscourts.gov